

## MINUTES – OCTOBER 15, 2012

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, October 15, 2012. Members present: Nathaniel Hall, Chairman, Cathy W. Lucas, Vice-Chair, Jeremiah Jefferies, Gordon G. Satterfield and N. Kent Williamson. Absent: William E. Carter and Kenneth D. Travis. Also present: Kevin B. Howard, County Manager, Brian Ferrell, County Attorney, and Angela Evans representing The Caswell Messenger. Paula P. Seamster, Clerk to the Board, recorded the minutes.

### MOMENT OF SILENT PRAYER

Chairman Hall opened the meeting with a Moment of Silent Prayer.

### PLEDGE OF ALLEGIANCE

Chairman Hall asked the Board of Commissioners and the citizens present to stand for the Pledge of Allegiance.

### APPROVAL OF AGENDA

Chairman Hall stated “Before we move to approve the agenda I would like to add a Closed Session to discuss a potential economic development for the County.

Commissioner Jefferies moved, seconded by Commissioner Williamson to approve the agenda as amended. The motion carried unanimously.

### APPROVAL OF CONSENT AGENDA

Commissioner Jefferies moved, seconded by Commissioner Williamson to approve the Consent Agenda as amended.

Commissioner Lucas stated “Chairman Hall I have a couple of corrections to the minutes. On page 14 where it says ‘Mr.’ it is supposed to be Ms. under Geraghty in paragraph 3. Then a little further down there needs to be quotes around what was actually said by Ms. Geraghty, between do and we. ‘We monitor everything that comes to us from contractor doing the job...’ And on page 22 there is another correction. It is the third paragraph, fifth sentence and it is the word not it should be ‘you are telling us now’.”

Commissioner Lucas continued “Chairman Hall if I may request from the Board since we have had so many misreports of votes in the Messenger could I ask or request that we have a show of hands on the votes. I understand from the editor that it is difficult to pick up on our audible votes so if we could just take our votes by a show of hands that would be helpful to her I think at this point in time.”

Upon a vote of the motion, the motion carried unanimously to approve as amended.

The following items were included on the Consent Agenda:

- A. Approval of Minutes of September 27, 2012 Special Meeting
- B. Approval of Minutes of October 1, 2012 Regular Meeting

### PUBLIC COMMENTS

Chairman Hall opened the floor for public comments.

Mr. John Claggett made the following statement:

“Good evening, my name is John Claggett and I reside at 108 Jaye Lane, Providence, NC. I thank the Board for allowing me the time to again speak publically.

I’m here before you this evening because some of my colleagues and me question the county’s current attitude towards “Public Integrity”. The North Carolina’s Attorney General and the Department of Justice say that Public Integrity means Government employees and elected officials have a responsibility to respect the law, act ethically and conduct their work in an open manner.

If the majority of you Commissioners have kept up with your email you know that the County Manager and I have had some electronic dialogue between October 3<sup>rd</sup> and October 8<sup>th</sup> at which time I requested some information and I quote

“Sir,  
*I’m requesting copies of the investigation documents as described in the Caswell County Personnel Policy Manual for investigations conducted for the last 18 months regarding any and all county vehicles as well as the investigation documents of any investigation conducted regarding the fraudulent use of the county owned cell phones for the same time period. As you know the Personnel Policy preceded the Fraud, Waste and Abuse Policy by a number of years so copies of any supportive documentation of investigations should be relatively simple to come by”.* These areas of concern have previously been brought to the county’s attention.

Having not received a response, I visited the County Manager October 9<sup>th</sup> to check on my request and was told that most of the documentation supporting the investigations would be in the form of various emails and that would take a couple of days and he stated the investigation documents in the Personnel Policy were used for “Sexual Harassment” investigations only. This couldn’t be further from the truth. Article VI, Section 16 of the Caswell County Personnel Policy Manual covers the Investigative Process and uses “Sexual Harassment” only as an example. It describes how to conduct an investigation, what to look for using any scenario to include mileage logs and phone records. We think it’s a pretty good document and it’s obviously the parent document for the Fraud, Waste and Abuse policy.

On October 11<sup>th</sup> I received an official letter from the county stating that the information the taxpayers requested couldn’t be provided due to the privacy of the employee’s personnel records.

I again visited the County Manager and explained that we don't want names, that we're not interested in personal information. The County Manager stated he could provide the general information regarding how many claims versus how many were legitimate in the areas requested. We are concerned taxpayers and some of us are board appointed committee members required by policy to report what is perceived as Waste, Fraud, and Abuse. The use of county vehicles to conduct personal business seems to have become epidemic and in some cases authorized in direct conflict with the Personnel Policy because of what seems to be a double standard in favor of department heads. What in the world does this have to do with "Sexual Harassment", absolutely nothing, so why misquote the policy and hide behind that?

To be clear, concise, and to the point we would like to see the policy to be strictly enforced. We don't want to be told that the reason the ambulance went from the Credit Union to the 86 Mart was because it's part of a community relations program that they're checking blood pressure and blood sugar, save that for the various festivals and or the Senior Center. We're not that stupid. We don't want to witness an ambulance going from the EMS building to Wal-Mart and back so someone can purchase a candy bar or EMT's lollygagging in the Hardees' parking lot when they should be on station or at least in route. We don't want to see the EMS Director conducting personal business using a county vehicle mid-morning because he wanted a biscuit it's in conflict with the Personnel Policy. He should set the example not be the example. We understand that EMT's missing a meal while performing their job means a deviation from policy so they can have a meal period. Don't blame the short comings of your department heads on the employees; we appreciate what they do for the community. We think it's wrong for the CCATS Administrator along with the dispatcher utilizing the drive thru window at the Credit Union in a county vehicle. They should set the example, not be the example. The fraudulent cell phone usage has been pointed out to the county and from what we understand 4 instances have been substantiated. The vehicle incidents exemplify the county policies are not working because they are not enforced, or at least not when it's convenient or desired, in other words we feel the original documents requested don't exist.

Just to refresh your memories the Personnel Policy Manual addresses the following:

1. Use of County Property
2. The way Caswell County Employees conduct and present themselves.
3. Employee Ethics.
4. Employee breaks and meal periods.
5. Requirements of "On-Call" employees.

We pay for the cell phones, the plans, as well as the overages. We pay for the vehicles, the driver's of the vehicles salaries, the insurance on the vehicles, the maintenance on the vehicles, and the gas for the these vehicles. It's the same thing as it being permissible for the Finance Director to use an ambulance or CCATs van to go to the Credit Union then go to Hardees to take a break. I mean she is a department head, correct? It's still our money, you've just been entrusted to manage it, we urge you to manage it well, and stop the fraud, waste, and abuse by enforcing the policies totally and equally. We would still like the opportunity to examine the EMS logs for August, September, and October of this year. Thank you."

Chairman Hall asked if there was anyone else that would like to speak during Public Comments. With no other public comments Chairman Hall declared Public Comments closed.

### APPROVAL OF CDBG PLANS AND POLICIES

Ms. Alicia Broadway with Benchmark CMR, Inc. stated “Good evening Chairman Hall and Commissioners on behalf of Benchmark CMR, Inc. I just want to first thank you all for the opportunity to administer the County’s 2011 Scattered Sites Housing Project and as you all know it is a grant of \$400,000 to rehabilitate homes within the county that was awarded by the Division of Community Investment and Assistance and it is also shortened by the term Community Investment in June of this year. As a requirement of funding release this project has several dates by which information should be submitted to Community Investment for approval. I just want to also thank you for including the necessary resolutions, plans and policies in the agenda to ensure that we will meet our deadline of October 22<sup>nd</sup> which is Monday. Feel free to ask any questions about the resolutions, plans and policies that are presented to you. I have them listed as follows: A resolution to adopt the required CDBG Policies, Procedures and Plans, a Fair Housing Resolution, a Resolution authorizing the County Manager to sign Community Investment reports and documents, a Language Access Plan and a Project Budget Ordinance. Do you have any questions or comments?”

Commissioner Satterfield asked “Can you elaborate just a little bit Ms. Broadway on the Citizen Participation Plan? How are you going to reach citizens?” Ms. Broadway responded “Absolutely. The grant requires that we submit a public notice to your newspaper and we will do that as well as we will contact your Department of Social Services and your Senior Center or other organizations that would get information out to people that would qualify for assistance. We have also contacted churches and we are here because we want people to know that it is available and that all they have to do is contact our office. They can contact us at 800-650-3925 and speak with Cindy Ramsey at extension 100.” Commissioner Satterfield continued “I think the churches would be a great way to get the word out. Don’t forget the Caswell Parish because a lot of their membership is churches.”

Commissioner Lucas asked “I have a question for the County Manager. Is this pretty much in order as to how we have handled these requests previously?” Mr. Howard responded “Yes ma’am.” Commissioner Lucas continued “It is the same basic information?” Mr. Howard responded “Yes ma’am we are just updating it all so we will have it all in place.”

Chairman Hall asked “Perhaps you can help me. I read in one of these plans that for the prime contractors that the advertising requirements is that the local employment office be notified and I don’t remember which one that is in.” Ms. Broadway responded “That might be under the Equal Employment Plan.” Chairman Hall continued “I just wanted to point out the county commissioners that it says Caswell County has an Unemployment Office, we don’t have an Unemployment Office so we need to correct that to say whatever our regional unemployment office is.” Ms. Broadway responded “That is our state form so we do need to adjust that. I do apologize for the short time frame but we will definitely work out some of the kinks and also Kevin mentioned to me that he is going to divert some of the responsibilities to the new human

resources director so some of the policy may have that language changed as well.” Chairman Hall stated “I would want this Board to be aware before we vote. The other one I wanted to ask about was the Language Access or Title VI, does one of these address Title VI?” Ms. Broadway responded “The Fair Housing Resolution.” Chairman Hall continued “Would that be Title VI or VII?” Mr. Ferrell responded “Title VIII of the Civil Rights Act of 1968.” Chairman Hall stated “Fellow commissioners one of the things that I would suggest as I read this is since we have a Human Resources Officer that we designate the Human Resources Officer who of course reports to the County Manager to get this in this as part of our policies as we adopt these.”

Commissioner Lucas moved, seconded by Commissioner Jefferies to approve the Resolution to adopt the required CDBG policies, procedures and plans; the Fair Housing Resolution with the change to stipulate the regional unemployment office and the Resolution authorizing the county manager to sign CI reports and documents. The motion carried unanimously.

### DRUG TREATMENT COURT FUNDING REQUEST

Judge Mark Galloway stated “Good evening. I have with me today much more paper than I wanted to carry, one thing I would like to be sure that you have a copy of is how I have broken down what I am asking you to consider at this point in time. I think perhaps that I failed to communicate appropriately with Mr. Howard and he may have given you a different number and I am prepared well it is what it is. If I may just hand out a sheet that outlines the new totals. I am asking for mileage for our administrator to get over here frequently enough to see the drug court participants that go to court in Caswell County. I am asking for some money for drug screens for those people. I also have with me a copy of the budget for the \$50,000 which Person County granted to us some time back. If you are interested in that I will be glad to hand it out. My guess is you have more paper that you are concerned with at this point. I email a copy of my e-book which sort of explains what we do. Commissioner Lucas called back and said that she was unable to get one off of my mailing and I think my assistant sent you one.” Commissioner Lucas responded “Yes I received that.” Judge Galloway continued “I have hard copies if anyone is interested in it. What drug treatment courts do is very much like what any other rehab would do except for one thing, we do not wait for folks to say I’ve got a problem. Once someone starts falling off the wagon we don’t wait for them to come back to us and ask for help. You’ve all seen the pictures in your churches of the Good Shepherd and what’s the Good Shepherd always carrying? The staff and what does the staff have on the end of it? A hook. Well that is the difference that we have. We have a group of folks that are dedicated to watching these folks seeing if they are complying. We test them frequently to make sure that they are complying with their curfew and any of the other number of things that would keep them in recovery. When they start falling off those things we have the hook. What are our numbers? Nationwide the numbers indicate that about 75% of the folks that complete the program do not come back within a period of three years. Our numbers in Person County, our Sheriff crunched the numbers and he tells me for 5 years there were no additional charges against the folks that completed our program. What kind of folks are in our program? It is a real temptation to be sure that we get just the folks that are just a little bit into drugs because our numbers would look better if we did that. That is not what we need to do. We need to be aiming at the folks that are a serious problem to our Sheriff, to our law enforcement, and that is what we do. Of those folks we are able to turn out as I said 75% of those that finish the program end up not coming back to court for a period of five years.

One other thing I am fairly proud of is if you will contemplate for a moment a pregnant woman that is on drugs. What is going to be the result of that? What is going to be the result of that to your budgets statewide? That is going to be a burden to the Medicaid system which the State of North Carolina must pick up. I will tell you that in our program, little old Person County, smallest district in the state, probably the smallest drug court in the state, 7 of 8 of the addicted women that were in our program delivered healthy babies. 7 of 8 that is over a period of about 10 years. Charlotte is up in the thirties. It is a dramatic number. Drug courts are supposed to be dealing with crime and supposed to be reducing re-offenses. We are supposed to be reducing crime for folks that would be re-offending. That is the benefit to the public but for healthy babies that is just an unpaid bonus for the drug treatment course. I would ask you to give this consideration and I will take any other questions that you have. If you are interested in a hard copy of my little e-book I will be happy to pass that around to you.”

Commissioner Lucas asked “Judge Galloway you gave us some numbers on the Person County situation, how is it utilized in Caswell County? Do you have any numbers?” Judge Galloway responded “At this time we have about 4 that are in the program. It has been up to 6 and 7 and it has been as low as 1 so it just sort of depends on...” Commissioner Lucas continued “And how is the determination made? Can you walk us through the process as to who gets treatment and who is not afforded that opportunity?” Judge Galloway responded “Let’s start with anybody that is a serious offender and anyone who has serious time hanging over their head and anyone where it is apparent that drugs are involved in why they are offending we want them unless they are likely to sell to the folks in the program. If we get a seller that is going to rehab with all these folks and is in reach of all these folks then that is just a dagger pointed at the heart of the program. If they get in the program one way, if they are in district court, Judge Gentry and I will send them there. Frequently we see them coming from probation violations in superior court. We also will get, we have two or three folks right now that are working toward a deferred prosecution here I go talking like lawyers and judges but that would be an arrangement whereby if they finish the program the charges are dismissed. That happens only if the DA approves it and a judge has to approve it but in essence the DA is the screening source for that and we don’t want anybody on a deferred unless they have a pretty clean record.” Commissioner Lucas asked “And the ages? Do they fit into a specific age group?” Judge Galloway responded “They have to be in adult court but as a practical matter I will not talk about young folks in my court I will talk about me when I was young folks. I was ten foot tall and bullet proof until I was about 25 and unfortunately we see a lot of that. If we have a case that looks like it fits the model that I just gave you and they are over 18 we will not refuse to take them but that is just one of the dynamics. It seems that the folks that are really going to success in drug court or those who are taking drugs not because ‘hey man I want to get high’ they are taking drugs because ‘man if I don’t get drugs tonight I am going to die’. The folks that we have the most success with are those that have gotten to the point in their addiction that they realize that their addiction is driving the bus. It is still going to take us a while to get their thought processes straighten out enough that they can think through what we are mandating of them. It is over the juvenile age, 18 and over. As a practical matter we take them young but it just happens that they don’t get referred back to us. Generally it is the twenties and thirties and the forties and fifties where we see the benefits.” Commissioner Lucas continued “I liked your reference to Chris Christie in your e-book.” Judge Galloway responded “Well that is why I put it in there. I think there are a lot of good folks in our legislature who two years ago if I had gone to them and said Judge you need to do this

because it saves you money they would have thought wait a minute these guys know all we've got to do is it saves us money and we will fall over our back. I believe there is some data now that perhaps the folks that will be in the next legislature Republican or not will see that this is a money saving thing. Another interesting thing is that every state that borders North Carolina has a Republican legislature."

Chairman Hall asked "Are there any other questions for Judge Galloway?" Commissioner Lucas responded "Only that there is a difference in what we were given, the \$2288 and the \$3280 which I guess is the testing, that was not included in what we were given." Judge Galloway stated "Yes that is my fault for not getting that to Mr. Howard."

Commissioner Satterfield asked "Mr. Manager, do we have money in the budget for this?" Mr. Howard responded "I think we can cover this, yes sir."

Commissioner Jefferies moved, seconded by Commissioner Satterfield to approve the request from Judge Galloway for the Drug Treatment Court Funding in the amount of \$3280.

Commissioner Lucas asked "Is there any way we can get a report on how it breaks down for the usage in Caswell County? Did we get a report on this or?" Judge Galloway responded "My program manager is sending such a program to the county manager in Person but that breaks down all expenditures. What you are looking at is numbers in the program?" Commissioner Lucas responded "Yes." Judge Galloway stated "Done. Monthly?" Commissioner Lucas responded "That would be good." Judge Galloway stated "Done."

Upon a vote of the motion, the motion carried unanimously.

#### APPROVAL OF RESOLUTION IN SUPPORT OF NAMING THE BRIDGE ON NC 62 NEAR MILTON IN HONOR OF SENATOR WILLIAM CLAIRE TAYLOR

Mr. George Daniel stated "Thank you Mr. Chairman. Members of the Board of Commissioners first let me thank you for allowing me to come tonight and thank you so much for Paula and for giving me the opportunity to work with her and get this resolution in a form that I thought was appropriate for this body to consider. I think this is very long overdue. I want to applaud the commissioners for seeing that the 57 bridge was named for Mr. Tom Buck, one of our most notable law enforcement officers that we had here in the county and I think appropriately so. I think we need to remember those who have served this county and hold them up as standard barriers for our leadership and oncoming leadership to look to. I feel a little unworthy in doing this because I am the grandson of Claire Taylor. He has a lot of grandsons and granddaughters and he has a lot of nieces and nephews and he has 3 wonderful children, 2 of which are here tonight. I am having to stand on some mighty tall shoulders to deliver to you what I want to deliver tonight. I am not going to read the resolution you have that in front of you. It is factual. It has been researched. It lays out exactly what happened but what I want to say to you is that in trying to put this together when you have someone who was born in 1901 and that would make them today 111 years old. You have to go back and really look for information although I was blessed to have the House journals and the Senate journals I went back to the family Bible and a poetry book that my grandfather had. He had a saying and it was his saying and he always

believed that 'Eternity needs no timekeeper'. If you think about it that is probably so but I say to you I think that eternity does need for us to know who has kept time, who has provided time, who has given us the hope for time to come through service and service efforts. My grandfather loved history. He loved to read. He loved poetry. He loved to work and he loved service. My earliest memories of him was him sitting in my home prior to church reading the newspaper or watching him at my Uncle Billy's shop later on sitting reading the newspaper or seeing him at Taylor Heights Rest Home with Grandma Taylor scurrying all around sitting and reading the newspaper because as I said he loved to read and he loved to read the newspaper. He loved to teach. Sitting there reading the newspaper I always remember he always had one of those devotional, a Sunday School lessons, one of those booklets where he taught Sunday School of decades rolled up in his coat pocket but he was still reading that newspaper. He loved to teach and that only came natural because as I said in the resolution my Grandmother is a teacher and his two sisters were life-long teachers. I reckon I was able to find and talking with my Mother and his son-in-law, my Daddy and Uncle Billy and Uncle Jack I tried to find a little bit about his early years because from 1901 until the early years he was a Deputy Sheriff under Sheriff John Henry Gunn. He did that for a while and also having been raised on the farm in Blanch he had his own farm. He raised all sorts of things, certainly cattle and at one time he was the largest producer of wheat in the County. He had a combine, a commercial operation that he went all around the county with. I think that is how he knew there was a problem with the Milton Bridge because he went into Estelle and had them fix him a special tongue so he could pull that combine across the Milton Bridge because it was only about 14 or 15 feet wide and he wanted to have it track right behind the tractor. At one time he was in the cotton business with Jim Long's father, Taylor Long. They had a cotton gin and he was also in the sawmill business. My Uncle Jack said he had a portable sawmill but it took him 3 days from sun up to sun down to tear it down to go somewhere and that was his idea of portable. He ran a store in Blanch and he started and ran an equipment business right here in Yanceyville known as Taylor Equipment Company. He worked with my Grandmother in Taylor Heights Rest Home. With his children grown or either in college or seeking their fortunes of business of their own he still worked. He was an inspector for the ABC System across the State of North Carolina. He did that during Kerr Scott's years as Governor from '48 to '52 and he also did that during Luther Hodges tenure and he also worked for School Foodservices as an inspector. I don't know what got him into politics but I kind of have a sneaking suspicion that he like me listened to his granddaddy. His granddaddy was William Woods Taylor who was our School Superintendent, the second one in Caswell County. He was born in 1817 and became the School Superintendent in 1888 and served for 4 years. At that time William Woods Taylor was 71 years old the same age my Grandfather was when he went to the North Carolina Senate in his last tenure of the legislature. He started his politics, political career in 1937 and when he went there I was amazed to see some of things he was involved in. I want to tell you commissioners that he loved his Board of Commissioners. I researched his bills and I really could see the symbiotic relationship with one of the leaders to go to Raleigh and still work with the people back home. Time and time again I could see this. On the 11<sup>th</sup> day that he was in the House he introduced solely H.B. 116. That was an act to validate all proceedings related to the creation and organization of sanitary districts of Caswell County and to validate all bonds authorized by referendum in the said district. He also introduced a bill, Judge Galloway, to abolish the County Recorders Court. He was the sole author of that and to provide means for establishing the County's Recorders Court in the future and that was on my Mother's birthday when she was 7 years old and approximately 25 days later he introduced a bill



to authorize his Commissioners to levy tax to support the poor, for maintenance of roads, and for health work and for operating the Superior Court here in Caswell County in 1937. And believe it or not with all the hoopla we had several years ago about splitting a judicial district low and behold I found in researching that on February 24, 1937 H.B. 554, a bill entitled and act for court relief in the 11<sup>th</sup> and 12<sup>th</sup> judicial districts by creating a new district to be designated, District 21, who would have ever thought history repeats itself. I was just amazing in 1937 he would be 36 years old. Grandma was back here teaching school. My Mother was seven or so and Uncle Billy was about 5 and Jack was just beginning to come into this world. Throughout this whole thing H.B. 1189 on March 10, 1937 was authorized to issue school building bonds and taxing the community for repayment. Then in 1939, his second term in the House, he introduced, believe it or not listen to this, he introduced a bill to prohibit the use of slot machines in state buildings, now this was in 1939. He also again was the sole author of allowing the Caswell County Commissioners to levy special taxes for the road maintenance, for county health work, for operating the courts and for inventory of tax bases. He was also the sole author for better enforcement of theft laws in Caswell County. A H.B. 535 to authorize the Register of Deeds of Caswell County compensation for clerk hire. He consecutively introduced bills to over and over again to allow other county offices and officers to report to our county commissioners and that those reports should be reported to the people. He introduced legislation to regulate the hours of the Register of Deeds and like I said even in 1949 there was a bill that he was the sole author of H.B. 199 to provide for the transfer of cases from the Recorders Court of Caswell County to Superior Court where jury trials are requested and to provide a jury for the Recorders Court of Caswell County, NC and fix the dates that a jury trial may be had in the Recorders Court in Caswell County. I can go on and on but there are a couple of others that I want to mention. Here is one from March 14, 1949 authorized the county commissioners to prohibit the operation of loud speakers or amplifying public address system in certain areas of said county. There was one bill in here that early on in the 30s where they required lobbyist to wear certain uniforms so they would know who the lobbyist were and who the legislatures were. I will tell you right now times really don't change, do they? He had his hand in a bill for the election for the Board of Education. I will not belabor through many more of these except to say he was the sole author to promote the sales tax refunds to the metropolitan sewerage district and joint sponsor of appropriating funds for capital improvement of Community Colleges and that was in 1971. In April 1, 1971 S.B. 356 by appropriation for improvement and construction of local confinement facilities. And Mr. Claggett he may have had you in mind when he wrote S.B. 428 because he wrote a bill relating to community appearance commissions that would look after state owned lands and highways and the disposal of junk vehicles. He introduced a bill here to create the rescue squad benefit act. Uncle Billy served on this Board for many years. In 1971 in S.B. 623 he introduced and solely sponsored a bill to provide a mechanism for a vote by the affected citizens whether to incorporate a municipality in the area of the sanitary district and simultaneously dissolved the sanitary district and transferred its assets and liabilities to the municipality. He came right behind that bill and introduced again solely a bill to authorize an election on incorporating the town of Yanceyville and simultaneously dissolving the sanitary district. During this time he worked his way on up through the House under several governors and when he went there in 1971 Bob Scott son of Kerr Scott was governor and they were friends. They had been friends since the late 40s. Kerr Scott did roads and your Uncle Banks, and John Yancey and the Milton Women's Club and the citizens of Milton reminded the Senator then, Senator Taylor you know how hard it is to get that combine across that bridge while I am telling

you we need some relief. Just because we are up in the northern end of this county we need some relief and my Granddaddy heard them because that is what he was sent to do. He was not much of his idea but it was partly but he went there and he got Bob Scott's ear. Bob Scott had a Secretary of Transportation by then names Loch Faircloth. They sat down and they talked about this bridge and then they found the way to get the money, \$1.7 million. They raised the height of the bridge so it would come up the hill to Milton so it would cross over the railroad line and that was the way we could get the help of the federal government to help the state government to help the local citizens in Caswell County. Folks and member of this body that is service. That is service because there was no way in this world that we would have ever gotten a bridge of that magnitude without first knowing the problem, having admin experience who had the networking ability to knowing all the folks who pulled together and having the friendships because they just did not happen in Raleigh at the Governor's Mansion. It did not happen at the Capitol. There were a lot of visits to the hog fields and there were visits to the Scott Dairy, that is what happened and that is how it happened. As a result today we have that wonderful connection to cross the river. I would like to say to the members of the Board of Commissioners I would urge you to consider this resolution of naming the bridge over Dan River leading from Virginia into Milton the Senator William Claire Taylor Bridge and I submit this to you."

Commissioner Satterfield moved, seconded by Commissioner Jefferies to approve the Resolution in support of naming the bridge on NC 62 near Milton in honor of Senator William Claire Taylor. The motion carried unanimously.

### RECESS

The Board held a brief recess.

### APPROVAL OF MOU BETWEEN THE US DEPT. OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE AND THE N.C. DEPT. OF AGRICULTURE AND CONSUMER SERVICE – DIVISION OF SOIL AND WATER CONSERVATION AND THE CASWELL SOIL AND WATER CONSERVATION DISTRICT AND CASWELL COUNTY, NORTH CAROLINA

Ms. Shauntae Britt stated "Thank you for giving us just a few minutes to present the memorandum of understanding to you all. Hopefully you have had a chance to read over it. I will just give you a real brief and before I begin I will just read two statements out of this six page document. It says 'The parties mutually agree to provide leadership in natural resources conservation. The parties pledge to work together by advancing and practicing teamwork, including input in the decision making process; communicating, coordinating, and cooperating; promoting mutual respect, and sharing leadership, ownership, credit and responsibility.' Really what that means to us and to us I mean the district staff and the Natural Resources Conservation staff when a producer walks into our office and they are seeking assistance for their agriculture operation they are not going to see a divided line between who the district and local employees are or who the federal employees are. When they come in we are going to provide them with the assistance that they come in seeking because we are public servants and it is our job to provide technical and at times monetary assistance for agricultural producers to implement environmentally sound practices on their operations. So what this entire documents is saying is

where one agency may lack another agency is going to pick up and that could mean anything from rents to surveying equipment, vehicles, training, to engineering a blanket to where we can function and we can actually approve practices that will actually go on the ground in Caswell County and we do that without any regards to Title VI or Title VII, race, national origin, religion, creed. We do that because we know we are public servants and we want to provide the best service. There are specific things that function in this Caswell County office where I may be lacking knowledge that Mitch Thompson will be able to pick up and there may be times when he doesn't have job approval authority to sign off on a particular practice but I can do that and we can also train him so that he can eventually have that job approval authority that we may lack. All those instances are written up in this document. I don't know if you have had the chance to really look over it but really I am just here to answer any questions that you may have about it. This is a MOU that every county in North Carolina actually has with the district and with NRCS and it is supported and backed by the county commissioners. This is something that was brought to the table several years ago by Warren Mincey. I filled his position after he retired. I am not sure why and it may have never came before you but it has never been signed. The Caswell County Soil and Water Board of Supervisors already agreed and they have a signed document I guess it is just waiting for you all's approval. I don't know if you have any questions but I will try my very best to answer them."

Mr. Ferrell stated "I read the MOU and it does formalize what may be the current practices already in the relationship between the federal government and the local government. I direct you attention to the provision of the agreement regarding the use of vehicles for instance. Just like we heard it dictates that the County is to provide transportation and mileage and reimbursement for district employees and NRCS will do the same for its employees. It allows you to work together. There are some substantive pieces to the agreement in the memorandum of understanding. It does provide the requirements for the interlocal agreement in North Carolina and those items are here. You can read the substance of it but it is legally sufficient if you choose to enter into it."

Commissioner Satterfield moved, seconded by Commissioner Jefferies to enter into the agreement of the memorandum of understanding between the Department of Agriculture, Caswell County Soil and Water District and Caswell County. The motion carried unanimously.

#### PLANNING GRANT UPDATE & INFORMATION

Rhonda Griffin stated "As you know as of July 1<sup>st</sup> the Library became an independent county library and is no longer with Hyconeechee Regional so with that we applied for two grants. One included a new automated system which we plan to be migrated to in January. The second grant was for a Planning Grant. The State Library provided for us a consultant to come in and meet with individuals and groups to decide what was specific to Caswell County. Basically what he is doing is asking what are the issues in Caswell County and what if anything the Library can do to help. Of course we can't do anything about potholes but maybe we can have some literacy classes or some teen programs when they get out of school because BY is right down the road. The final report will be sent sometime January or February and I will present that to you but what we have learned so far and we have already met with the steering committee and we have two focus groups planned. Out of that we have already received some ideas. We have already

started a teen program. One major thing we have learned so far is that I need to do a better job of making everyone else know what the library provides. There are people who believe that you have to pay to get a library card. So I figured I would start at the top and show you the little presentation that we have come up with. We do plan to go around to the other agencies and provide this as well.” Ms. Griffin showed the presentation which showed the different groups such as the preschoolers. Ms. Griffin continued “With most libraries 77% of them help people to create resumes, 84% provide employment services, 92% help people access online job resources, 76% help people to apply for jobs online. We do all of those. In Caswell County we have 10 public computers, 2 children’s computers, wireless and internet access, microfilm reader/printer, color and black and white printing, downloadable e-books, computer classes, computer assistance as time allows on flyers, homework, resume writing and job searches. We have children’s programs which help with literacy. They help children who do not have regular access to books and they help parents to become more involved in the children’s reading. In Caswell County we had over 400 children signed up for our 2012 summer reading program. Children’s program attendance far exceeds the fire code for the library so the Friends of the Library paid for us to rent the Civic Center. The Caswell County Children’s Program includes: Preschool story time, After School Book Baggers, Holiday Programs, Daycare Programs, Science in the Summer, Special Needs programs for Dillard and BY students, School programs, and then of course our Summer Reading Program.” Ms. Griffin showed two pictures that showed the attendance of the Summer Reading Program at the Civic Center. Ms. Griffin stated “We are very proud of the fact that the Caswell County Library ranked number 11<sup>th</sup> out of all of the North Carolina public libraries in program attendance per capita. We just started a Teen Program, if you have pizza they will come. We also have Adult Programs. We have poetry reading, craft classes, author talks, musicians we are not a quiet library, singers, artists, computer classes, and the murder mystery plays and we also have books. We have easy readers, large print books, best sellers, mysteries, classics, and westerns. The Library also offers DVDs, magazines, audios, newspapers, and e-books. We also provide outreach services. Once a month we go to Graves Home, the Senior Center, Brian Center, Caswell House, and the Pelham Community Center. Our references include: online research, NC Live, genealogy and local history and encyclopedias. The Friends of the Library actually provides funding for most of our programs including the special needs program. They raise money and they bought the sign out front, furniture and anything that the Library needs that we cannot afford in our own budget. The Friends are there to help us out. We also consider ourselves the ‘hub of the community’. We serve children, teenagers, we have special guests for some of our programs, that was Ms. Becky’s birthday party, and that is one of the murder mysteries. Other services include: we register people for voting, faxes, we copy, we scan, printing, learning, playing or just a place to relax and of course do not forget our out of this world staff. Most of you know we were in the newspaper in two states with our UFO. Are there any questions? I will present the serious one in January or February when we get the whole report, when we get our Library Report Card.”

#### APPROVAL OF HOME HEALTH BILLING CONTRACT

Dr. Fred Moore stated “Good evening I believe that each of you has received a copy of this memo. It talks about the various issues involved in this matter. Basically to sum it up, I am requesting that the Board of Commissioners to approve a contract to outsource our Home Health and CAP billing. This matter has been discussed in two separate Board of Health meetings and

the Board of Health has unanimously approved this contract, approved to recommend this to you all. Let me take just a minute or two just to summarize what is in this memo. Our Home Health and CAP programs generate about \$1.2 million a year and in order to process those claims we have hired two clerical staff and unfortunately we have had a lot of turnover in that position. There is a lot of training and mis-training opportunities and over the years we have had a number of cycles where our billing has gotten behind and then we rush to try to catch up and it leads sort of a rollercoaster ride of billing. We were faced with one of our billers resigned a couple of weeks ago. We were already contemplating the idea of outsourcing this but when this employee resigned we decided that this was an opportunity to push forward on this alternative way of getting our billing done. Because we were already heading down that direction of exploring that option we had had an evaluation done of our billing by the CareAnyware Software people, the company of the software that does the billing for us and our clinical side of stuff. They found a fair amount of missed opportunities in billing that we had missed out on. We are strongly encouraging the Board of Commissioners to approve our request to outsource this billing to CareAnyware. There are two separate contracts, two options. One option is a flat fee of \$6500 a month and the other is \$1,000 a month plus 4.5% of revenue. Those are the two payment options that we have. When you add up the costs of those two contracts and compare those to what we are currently paying for our billing staff they come fairly close to each other. The salary and benefits alone with what we are paying now is about \$100 less than \$70,000 and the more expensive of the contracts was \$78,000. If you then add the training costs, in my opinion they are pretty much a break even. We can pretty much outsource for what we can do it inside the Health Department and we don't have to deal with the training issues. We don't have to deal with the coverage issues when somebody is out sick. We don't have to deal with all of those sorts of issues. I don't know anything firsthand about this but I have been told that the EMS has gone through a similar sort of billing process and their results have been positive, I have been told. The Board of Health has recommended that you all approve this contract and the Board of Health recommended the \$1000 a month plus the 4.5% option."

Commissioner Lucas asked "Dr. Moore did CareAnyware have any comparisons companies that they work for that you could compare the numbers to?" Dr. Moore responded "Comparing numbers, no but I did get three references from them. I spoke to two and emailed with another one and they were very positive about the service that CareAnyware had provided."

Commissioner Satterfield moved, seconded by Commissioner Williamson accept the recommendation of the Board of Health.

Commissioner Lucas asked "Is this a two year contract, is that correct?" Dr. Moore responded "It is an 18 month contract."

Upon a vote of the motion, the motion carried unanimously.

#### CONNECTOR BETWEEN DETENTION CENTER AND COURTHOUSE

Mr. Howard stated "The Board had requested that the Courthouse Security Committee be present. Justin Doyne is here if you have any questions. I think Judge Smith wanted to make a few comments before we start."

Judge Osmond Smith stated "I want to thank ya'll for what you are doing to promote our courthouse security. In thinking about this issue of the connector to the courthouse I want to discuss with you what we all see as our goal of the connector. It is to provide a secure way to transport person's in custody to and from the jail and courthouse, the safety of the public, safety of the law enforcement and detention officers, and courthouse employees. The courthouse employees include county employees and state court officials or court employees. Safety of person's in custody, efficiency of operations for both courtrooms upstairs and downstairs from the perspective of law enforcement and the court system. These are all consistent with promoting overall courthouse security. We thank you for your time and consideration on this matter in addition to other things that you are doing for us. When it became necessary to shift the jail to the west from the original planned location that also necessitated the reassessment of the most suitable means of connecting to the courthouse and I understand the topography necessitated the shift of the footprint by my walking off 68 feet or so to the west, that is to where the connector was going to be. The original plan was for the connector to come directly across to the hallway area of the courthouse, a relatively short distance. So instead of being able to come directly across that short distance to the hallway area of the courthouse that would have served both courtrooms. Now with the movement to the west it seems more feasible to look at a different approach. Of the three possible options that I understand are under consideration we have great thought and study to what is best. We have concluded from our perspective, that is law enforcement and the Courthouse Security Committee, entry to the courthouse via the hallway area is by far the best way to accomplish our goals for the connector. Entry could be on the second floor level or on the first floor level but either way it would serve both courtrooms. Entry with an elevated connector directly into the upstairs courtroom would not be conducive for transport to the downstairs courtroom. It would be counterproductive and many times it would even be unavailable to the downstairs courtroom depending on the activities at the time in the upstairs courtroom. If you can imagine if you have court going on in this courtroom and you have one downstairs and you need to transport prisoners in to the downstairs and you bring them in a door here, walk them through this courtroom, out and down to another courtroom and the reverse when they have to come back, it is not feasible and it is not conducive to the overall operations and security. Entry with an elevated connector to the hallway area to the second floor would work to serve both courtrooms but I would say to you that could only be accomplished by a greatly increased cost over the ground floor cost, that is the ground floor connector. Entry to the hallway with an elevated connector, catwalk, skywalk, whatever you want to call it may not be the best long term approach and it would be very unappealing from an aesthetic standpoint. I hope that you have had a chance to take a look at it. If you come out of the jail building you would need to come out, angle across and then come into the courtroom or the hallway area at that time. You would have to have supports, I don't know what kind of columns there would be but I understand that by far that is the most expensive approach. It would accomplish what we want to but it would leave you the appearance of the building you would want and do you want to spend your money or should I say our money that way, our money being the citizens of Caswell County. A ground floor connector to the hallway area will serve both courtrooms and certainly save thousands if not hundreds of thousands of dollars over the other options that are under consideration. This option best suits our needs. It meets our goals. It is the most aesthetically pleasing and by far the least expensive alternative. Our Courthouse Security Committee and the Sheriff unanimously support the option for the ground floor connector and

this is our recommendation to you. Safety, utility and cost, it comes out ahead on all accounts. Thank you for what you all are doing to promote the enhanced security for the safety for all who use our courthouse. This is not our only appeal to you but this is what we have at this time. You have made great strides in enhancing our security and the efficiency of our operations of the court system and we appreciate that. Members of our Courthouse Security Committee are here and the Courthouse Security Committee includes people who are from all agencies that are housed in the courthouse. I will be available for questions and they are as well. We thank you for giving us the opportunity for the input. We know it is a major project and this is not the most interval part of the project but without the best connector from the efficiency standpoint we might not accomplish our goal for providing extra security in transporting prisoners and when I say security I say the publish as well. The citizens that come to court. The citizens that come to pay their taxes. The citizens that come to check titles and record deeds. The citizens who are subpoenaed to be there. The citizens that are summoned for jury duty. The victim of crime. We are not talking about a facility just for lawyers and criminals like they said when they had a referendum in Alamance County by the courthouse. It is the people's court. That is for the people of this county. Of course it is the county's responsibility to provide those facilities and we will try to be the best stewards we can of what you provide for us to carry out our operations. Thank you again like I said for the input and I am available as well as others. We have consulted a great deal with the Sheriff about the operation of a ground floor connector; the utility of it exceeds the other options. Thank you."

Chairman Hall asked "Thank you Judge Smith. Are there any questions or comments for the Judge?" Judge Smith stated "I don't get on the stand much so now is your chance." Chairman Hall stated "There seems to be none so thank you very much sir." Judge Smith responded "Thank you and we appreciate your consideration of our recommendation and hope you will act on it."

Mr. Howard stated "We are prepared to answer any questions that the Board may have as we move through the process now."

Commissioner Satterfield stated "I did get your email from you Mr. Manager. I saw it yesterday maybe that you have some type of drawing now about the various approaches." Mr. Howard responded "No I was asking if you wanted to meet me on site and I could explain the different options and where they would be coming into the building."

Chairman Hall asked "Commissioner Jefferies just indicated that he would like to see a draft. Have you talked with the architects at all about this?" Mr. Howard responded "We discussed it and I think Mr. Brennan made the comment when he was here that it cost them to draw different drafts. If the Board would give him directions he would be glad to put a drawing together of either an upper level or ground level. I do not have a drawing and I am not sure that I will be able to get one."

Commissioner Lucas asked "My question would be where would we be in that process? I understood you to say we can't get a drawing?" Mr. Howard responded "I can't say. I am not sure if they are willing to do another drawing other than what they have done. I can ask again."

Commissioner Lucas continued "I think they should be willing to come up with another drawing."

Commissioner Satterfield stated "Mr. Chairman I would like to say that I think the Judge is exactly right. I think the connector; the high rise connector to the second floor is not going to serve any purpose other than to spend a lot more money. You will still enter in the second floor lobby and you will have the public right there in plain view as the guy who is being escorted to the elevator to the downstairs. I think that is out of the question. I could care less about seeing the drawings of that because I think for us to spend \$400,000 on something that is not going to accomplish the purpose of it. I would like to know exactly what they are talking about spending the \$150,000 on. First it was something about a top and a chain length fence. I don't know if it is more than that or less than that or what." Mr. Howard responded "I think if the Board is willing to say they want to go with the ground level I think we can get some drawings of the various options to move forward with that." Commissioner Satterfield continued "My only problem Mr. Chairman is spending \$150,000 going in ground level. We are talking about \$150,000 plus what we have spent so far in the tower. Did you ever get a figure on that Mr. Howard?" Mr. Howard responded "It was about \$35,000." Commissioner Satterfield asked "Did we ever get a figure on that?" Mr. Justin Doyne responded "\$35,000." Commissioner Satterfield continued "\$35,000 is what it cost us for that brick and mortar. That is \$185,000. Even if we do that the only advantage that we have then is the privacy of getting that inmate from the jail to that back door because once he comes in that back door there again he is subject to being taken upstairs through the courthouse. I say somebody has made a bad mistake somewhere along the line. The Judge said the jail was moved to the west. It may have been, I don't know. That is the first I have heard of that, that it was moved to the west. You may know something about it. I never heard anything about it. I think Mr. Chairman that we need to sit back and not throw any more money in a bad project at this particular time and let's think this thing out with our committee and try to really work on something that will serve the purpose that we were trying to get to start with. When we take that person out of that door and we subject that person to those people in the lobby area I don't think we are getting much bang for our buck. I think we need to stop and think through this thing."

Chairman Hall asked "To the Courthouse Security Committee and I guess you, Judge Smith, was there any thought about getting past to the hallway? I think that is what Commissioner Satterfield is talking about. Once we get to the hallway what do we do?" Judge Smith responded "The discussions have been with, I think with the second floor where the bulletin board is in that hallway and I think it was the smoking area when we had that smoking area, those doors could be moved a little bit to the south so there would be a secured corridor from the standpoint of the public while a prisoner is being transported up the steps. The Sheriff's plan if I understand them right are to use the steps up and down, not to go across to the elevator. Some people say it is safer for a detention officer on an elevator, I guess they could be thrown down the steps but they can't get trapped in an elevator if they are not in an elevator and the same thing on the downstairs level. There is a separate doorway for the courthouse employees that come in from that parking lot that would not be impacted by the ground connector to come into the courthouse. The proposal for the ground connector would have retractable gates on the outside of the courthouse. It would still allow cross flow around the perimeter of the courthouse, firefighting purposed if they needed it to get hoses through there. I don't know all the particulars



of it; I would certainly hope it would be more than a chain length fence with a top on it or something like that. I agree \$150,000 sounds like an absorbent amount for that kind of connector. There is nothing ideal without building onto the courthouse and having the holding cells right there or reconfiguring something with substantial changes inside that would accommodate what we need to do. This is still not 100% ideal if you were starting from scratch on a courthouse and a detention center but it is by far in our estimation the best we can do with what we have right now. It is certainly nothing wrong with considering it but again initially as I understood it the jail was going to be directly in line with the courthouse, almost centered, so the connector would be directly across. It still would have brought them into the foyer or alcove in the hallways whether it was up or down or whether you had two connectors, one up and one down. Of course the prisoners are in the presence of the public when they are in the courtroom too but there are a lot of restrictions on what a jury, if you have a jury trial, can see. They are not supposed to even see that a person is even in custody so transporting is a factor there as well with the shackling and so forth. The Sheriff has discussed it with his folks. There are holding cells right at the end of the jail and restroom so the person does not have to go back to their cell for a restroom break during a court recess. More ideal would be to have an annex to the courthouse and to have holding cells there so when they got there they would have a holding cell there but we don't have the luxury of that space. We would be talking about plumbing and all kinds of things that would have to be undertaken. I think the Sheriff could address more about the security when they come in. As I tell the prisoners I try not to get into the sheriff's end or the law enforcement's end and they try not to get in the judge's end. We are all working in it together and this Sheriff is mightily committed to enhancing our security. As you all know and I am not telling you something that you don't know this is not like it was even 20 years ago with what is happening in the public and the need for security. When we came on who would have thought you would need policemen in schools? Well you need them in the courthouse just not for the protection of a prisoner but for people who might want to do harm to someone in the courthouse, to each other and not necessarily to us. I probably went on more than answering your question. It was more like a presidential debate or something, actually what I wanted to say to you." Chairman Hall stated "You did answer my question and I have a visualization of what you were saying and we will have to deal with that." Judge Smith continued "Originally the thought was it would be a short skywalk across without the need for angles and so many supporting columns but I understood that the topography required the move to the west. It is just a fact and I would assume that it was contemplated that it would be a more complex connector when that took place, distance wise, engineering wise, again coming into the upstairs courtroom would serve that courtroom fine but it would be an impediment to serving the downstairs courtroom and it would be very counterproductive and still very, very expensive as opposed to the alternative." Chairman Hall stated "Thank you."

Commissioner Lucas stated "Just looking at the original contract with Brennan Architect, it says under the Schematic Design Phase that 'Upon written authorization from the Owner to proceed, the Designer shall prepare Schematic Design. Schematic design shall be prepared for the buildings described in Exhibit A, Paragraph 1.2. The Designer shall also prepare concept drawings only showing a proposed layout for additional court and office functions in order to determine if these spaces or buildings will be added to the Scope of the Project.' I am just curious if those were done? Were those brought and if they were done and what would they have been of? Are they of what we are talking about now, do you think or? It is in the actual

contract under the Schematic Design Phase.” Mr. Howard responded “I think when that contract was drawn up there was some discussion if that came up they would do that design but we never asked for additional courtroom space.” Chairman Hall responded “Let me answer your question Commissioner Lucas, if it would have happened we would know it.” Commissioner Lucas asked “We would know?” Chairman Hall responded “We would have those designs up here. I have not seen such designs that you read about.” Commissioner Lucas continued “That is what I was asking if it was part of the scope of the project and what they would have been.” Chairman Hall responded “We need to take that up with the architects.” Commissioner Lucas stated “Well definitely, that is why I addressed it because it needs to be addressed. It could be possibly maybe what we are alluding to; I don’t know if it was ever discussed.”

Commissioner Williamson asked “If we go ahead and give them the okay to do the drawings is it an additional cost just to do the drawings and get the detailed estimate on it now that we have heard from our Courthouse Security Committee the recommendation to go with the ground connector?” Mr. Howard responded “According to the comments that Mr. Brennan made in the meeting we had the other afternoon I don’t think so but I would need to ask. My understand was he wanted us to decide if we wanted to go with the ground and if so he would be glad to do the drawings showing options for the ground connector.” Commissioner Williamson continued “So Chairman what I am seeing here is if we take the recommendation from the Courthouse Security Committee and tell them that we are going to go with the ground that they would do the drawings for the ground connector. If later on we look at them and we decide to do nothing then there is no cost there. Do you see what I am saying? There would be no cost there at all from the option that we are getting.” Chairman Hall responded “I see what you are saying. I guess in my mind doing nothing is not an option.” Commissioner Williamson stated “Right that is what I am saying.” Chairman Hall continued “But for this Board to make an informed decision we need to see some drawings.”

Commissioner Jefferies stated “I think we got more from the Courthouse Committee and from the Judge than from the man we hired. I understood what he said. He explained it better than anyone I have heard so far.”

Commissioner Williamson moved, seconded by Commissioner Jefferies to tell Brennan that we have decided on the ground connector and that we would like some drawings and some detailed cost estimations to look at and then we will give them the final approval after that.

Commissioner Satterfield asked “Telling someone that we are definitely going to go with the downstairs version is that a commitment that we are going to build that thing regardless of what it looks like or what it is going to cost, it is not a commitment for that I hope?” Commissioner Williamson responded “It is not a commitment. It is just we are not going with the upper level version.”

Commissioner Lucas stated “Well my concern would be not paying any additional costs for the drawings with the mistakes that have already been made.” Mr. Howard responded “Obviously if they say no we are going to charge you for those I would not precede.” Chairman Hall stated “Hold on, we can’t go down that road. Doing nothing is not an option. We need to get back with Brennan, this Board; we will get back with them. We can just say well if they are going to

charge us we are not going to do anything. The connector has to be built.” Mr. Howard responded “That is not what I am saying. What I was saying is if they told me they are going to charge us for it I would tell them not to proceed until I get back with this Board and get further direction.” Chairman Hall continued “And that is going to cost us time, that is how I feel.” Commissioner Lucas stated “It is not a critical path.” Mr. Howard continued “I will know in the morning.” Chairman Hall stated “We are getting closer to the critical path if we hope to open this building at the end of December. We need to stop wasting two weeks at a time now we met with them once. We have to make a decision and this Board has to make that decision and we need to make a decision on where it is going to be.”

Commissioner Lucas asked “Can we check to see if they have any drawings, the concept drawings, that they said that they were going to have in the contract, wouldn’t that be feasible to do?” Chairman Hall responded “Sure we can. It has to be in the form of the motion. The motion is that we get the drawings right?” Commissioner Williamson responded “That is right because we don’t want to buy a canopy chain length fence for \$150,000.” Mr. Howard responded “The discussion for the materials has been brick, not chain length.” Commissioner Williamson stated “Okay, I understand.” Mr. Howard responded “I just wanted to make sure that everyone understands. This just came up. The discussion for the \$150,000 was a complete brick walkway and not a chain length fence.” Chairman Hall stated “The drawings would solve that.” Mr. Howard responded “Yes sir, I agree 100%.”

Upon a vote of the motion, the motion carried by a vote of four to one with Commissioner Lucas voting no.

#### APPROVAL OF RESOLUTION IN SUPPORT FOR THE PIEDMONT TRIAD REGIONAL COUNCIL (PTRC) BUILDING ACQUISITION PROJECT

Chairman Hall stated “Fellow Commissioners as you are aware about a year or year and a half ago the Piedmont Triad Council of Governments and the Northwest Council of Governments merged to form one big regional COG. After that merger the executive director looked at what we were paying in rent for two buildings and made recommendations to the executive board and to the full board of delegates. Over the last year the executive board and the full board of delegates voted to build office space. We are at the point now, the land has been purchased and the contracts are ready to be met. In order to expedite the building process the Council of Governments has agreed to sign a lease agreement with the builder so that he could get started as we go through the LGC. To do that the Piedmont Triad needs for the municipalities that are members that represent 70% of the citizens to approve the resolution that we have here tonight. That is kind of in a nut shell of why we are trying to do this resolution. In the end the building will be purchased and owned by the Council of Governments. This came up also after the merger because also at about the time the merger the legislature gave us being the Council of Governments for the first time the option to own property.”

Commissioner Satterfield stated “Mr. Chairman I understand the need for that. I think it is probably the right direction to move in but I was a little bit surprised when I read all of this and where my question is why some local governments were being asked to pass the resolution. Of course as I read on I found out that we were not even, according to this, going to be asked to pass

a resolution. It was Alamance, Davidson, Forsyth, Guilford and Surry.” Chairman Hall responded “We were going to be asked. The only reason I can tell you definitely is because I am on the executive board. All of the counties and all the municipalities were going to be asked. Initially when we started this Guilford County was not a member and then when Guilford County became a member there were some questions by some of their board members and they were not going to vote for the resolution. The citizens of Guilford County, almost by itself, represent 70% of the population so there were some discussions about not having them all to pass the resolution but the recommendation from the full board always has been to get all the counties to vote.”

Commissioner Lucas asked “It is my understanding if we do pass the resolution that kind of commits us to the membership, of course we have been members for over 40 years, it commits you through the length of the debt for the project as members of the COG.” Chairman Hall responded “Right, part of that is the LGC and the banks since this is the first time that we have had this option to own property the banks are not quite sure and the LGC is not quite sure, the COG does not have taxing authority so what happens if the COG does not pay the bill? The only thing they could suggest is you need to stay a member but that does not guarantee that you will pay your membership fees. Again we are kind of walking our way through this process. And you are right we have been members for 40+ years.” Commissioner Lucas continued “That is the part that concerned me that it’s holding you to your membership if you pass the resolution for the length of the debt.” Chairman Hall responded “The COG does not have taxing authority and that is why it requires that, to satisfy the banks.”

Commissioner Satterfield stated “Commissioner Lucas if you will look at the charter of the COG, if you look at that charter it gives in Section 10. Withdrawal, it gives 60 days notice and you can withdraw from the COG at any time.” Commissioner Lucas asked “Even if you are indebted through this project because that is not what I read?” Commissioner Satterfield responded “Yeah that thing does not say anything about us being indebted.” Commissioner Lucas stated “If you pass the resolution you are.” Commissioner Satterfield responded “If we pass the resolution it asked if we will remain a member, a dues paying member.” Commissioner Lucas stated “It is in here, for the term of the debt.” Commissioner Satterfield responded “It says for the terms of the debt but I don’t think under the charter unless the charter has changed that they can make you stay in.” Commissioner Lucas stated “This is something new.” Chairman Hall stated “That is why the COG and the LGC and the banks are having a talk. The question would be in a court of law which would prevail the charter or this resolution.” Mr. Ferrell responded “I understand the issue. If you look at the wording of the resolution it makes fairly clear that what you are approving by adopting this resolution is your intent, your present intent, to be a future member for the term of the debt service. If you look at actually what you are resolving to do it is simply supporting the application to the LGC. You are not signing that once and forever and for all until the debt is expired that you will be a member. You are just saying that you have been a member for 45 years and that you have the present intent to remain so. That is what the resolution says.”

Commissioner Satterfield moved, seconded by Commissioner Williamson to support the Resolution for the COG.

Commissioner Satterfield stated “It is obviously a good financial tool in trying to get into something that they own with the amount of rent that they are paying I Winston-Salem and in Greensboro. It just does not make any sense not to do this.”

Upon a vote of the motion, the motion carried by a vote of four to one with Commissioner Lucas voting no.

#### COUNTYWIDE ECONOMIC DEVELOPMENT BOARD

Chairman Hall stated “This is something that I wanted to mention to this Board. As a part of a class that I am involved with at East Carolina we have learned quite a bit about economic development, about grant writing and about a lot of other things. One of the things in the grant writing classes we learned is that granting agencies be it private foundation, state or federal looks strongly at collaboration, local collaboration or regional collaboration. With that in mind I wanted to suggest that we, this Board, consider forming a Countywide Economic Development Board and invite the Town of Yanceyville and the Town of Milton to participate. I am mentioning this now and I will put it on our agenda for October the 30<sup>th</sup> when we meet. The town manager has already broached this idea with the town council and I spoke with the Mayor last week and let her know that it would be on the agenda. This is just food for thought at this point.”

#### APPROVAL OF PROGRESSIVE CONTRACTING COMPANY CONTRACT – HISTORIC COURTHOUSE

Mr. Howard stated “Mr. Chairman you approved the Progressive contract a few meetings ago to do the project here at the Historic Courthouse. You have the contract in front of you. I just want to point out that we had discussed asking them to help us get the benches out of here, out of the building; they will have the equipment here to them out the window and get them down. We did not approve that when you approve the contract price so I wanted to point that out to you and ask if you will add \$1350 to what was approved earlier for a total of \$78,650 for this project and this contract.”

Commissioner Satterfield moved, seconded by Commissioner Williamson to accept the recommendation of the County Manager. The motion carried unanimously.

Commissioner Lucas asked “Do we have a length of time to have all of this done by?” Mr. Howard responded “It is supposed to be 30 – 45 days. What we have to work around is annually we have the Veterans Day Service in this building. I would like for this Board to hold off until after that service which is about 3 weeks away. That is the issue we have to work out scheduling because this room will not be available for probably two or three weeks to forty-five days.” Chairman Hall stated “You may want to consider moving the Veterans Day Program.” Mr. Howard responded “I can discuss that with those folks.”

### APPROVAL OF WARRCO CONTRACT FOR BOOSTER STATION IMPROVEMENTS

Mr. Howard stated "Again you approved for Warrco to do the booster station improvements in the Pelham Industrial Park and this is just the contract for that project. There are no changes to the contract amount that you approved."

Commissioner Jefferies moved, seconded by Commissioner Williamson to approve the Warrco contract for the Booster Station Improvements. The motion carried unanimously.

### APPROVAL OF BENCHMARK CMR, INC. CONTRACT

Mr. Howard stated "At the previous Commissioners' meeting the Board approved hiring Benchmark to handle the 2011 Scattered Sites Housing Grant and this is the contract to bring them onboard."

Chairman Hall asked "Mr. Counsel have you seen this contract?" Mr. Ferrell responded "Yes sir just as the other three contracts. All three contracts that you have approved tonight we have been through them and review them and negotiated them to some extent."

Commissioner Williamson moved, seconded by Commissioner Satterfield to approve the Benchmark contract. The motion carried unanimously.

### APPROVAL OF CDBG PLANS AND POLICIES (cont'd)

Chairman Hall stated "We need to go quickly back to Item 6 at least under Item 6 I understand that I missed two things in there. One is the budget ordinance resolution that has to be approved and what was the other one Ms. Lucas?" Commissioner Lucas responded "The Language Access Plan and the Project Budget Ordinance. They have to be approved under a separate motion." Chairman Hall stated "So we have approved them." Commissioner Lucas responded "No we approved the resolution to adopt the plan and procedures, those were separate." Chairman Hall stated "So item F has to be separate and the Budget Ordinance has to be separate."

Commissioner Satterfield moved, seconded by Commissioner Jefferies to approve the Budget Ordinance. The motion carried unanimously.

Commissioner Jefferies moved, seconded by Commissioner Lucas to approve the Language Access Plan. The motion carried unanimously.

### COUNTY MANAGER'S REPORT

Mr. Howard stated "I just have one thing for the Board. Historically what we have done is I have brought you the bids, you have approved the low bid or the preferred bid in the project and then the contract is brought back. I would like to condense that process where we will send a contract out with the RFPs that will be approved without bringing the bid in to you so we can do it in one meeting versus two meetings. This is just to speed up the process a little bit faster."

Commissioner Satterfield asked "A lot of the times he has to review the contract, will he see the contract before we see it?" Mr. Howard responded "Yes sir. We will have the same process as we do now but it will be all done in one meeting." Mr. Ferrell added "This will essentially require a vendor either to provide the contract with their proposal obviously so I would have a chance to review it before it is presented to you so this can be done at one meeting and/or using some standardized contracts that the county can develop with my assistance. Some of them are already out there in the public. We are not reinventing the wheel here but using template sets that are available out there to county attorneys. We can provide those to our contractors and say this is our form and by submitting a proposal you are agreeing to this form agreement. Those are the two options that the contracts could arrive with the bids." Commissioner Satterfield continued "A lot of times we don't get our packages until late Thursday or early Friday before the meeting on Monday if we have any questions regarding these contracts it is almost impossible if we get them at that late date to get back with you or the county attorney to try to get some answers. What needs to happen on these things is we need to step up the timetable on these things if nothing else we need to get that contract by email or something probably on Monday or Tuesday rather than later. If we don't get the whole package we need to at least get that contract." Mr. Howard responded "We can work that out. If we can't get it done we may need to get it done in two meetings. I was just trying to speed up the process. Some projects are more complicated such as the jail project but those are not." Commissioner Satterfield stated "If we got it three, four or five days prior to voting we could get our questions answered. We can't do that if we don't get it until Friday morning."

#### Canoe/Kayak Update

Mr. Howard stated "I just wanted to announce that the canoes and kayaks are at the lake now. I think there was an article in the newspaper last week about it. The building has been constructed to store them so they are available for folks to go out and enjoy them any time they would like."

Commissioner Satterfield asked "While you are giving a report can you give us an update on where we stand on the heat and air conditioning units for the courthouse down there. Have we put it out for bid or where are we at?" Mr. Ferrell responded "The county manager asked me to assist them with a RFQ, a request for qualifications. We have developed a RFQ is what I am saying for the engineer process of the heating and air project." Mr. Howard added "If we do it with an RFQ we do not consider price in selecting the engineer for the project. In some of the projects in the past what we have done is a resolution and the Board of Commissioners can make the price a part of the project on the RFQ. I guess what we can ask now is does the Board want to see prices included in that or just to do a request for qualifications which is the standard practice for choosing an engineer." Chairman Hall responded "Now is the wrong time to ask." Mr. Ferrell stated the RFQ has been drafted and it is ready to go out if you want it to. What the county manager is saying is in the typical RFQ process statutes say the price is not a part of the RFQ i.e. the typical way an engineer is selected is you select based on qualifications and then you negotiate price with your top choice essentially. The county manager is also bringing up that there is a way that you can resolve for the Board to factor in price into your selection process and you have to do that via resolution. It seems to me that the update is an RFQ is prepared and at the next meeting you will have the opportunity to either have that go out to the vendors and/or

consider exempting yourself from the RFQ process and putting it into a RFP process which allows you to consider price. That is where we are.” Commissioner Satterfield asked “The RFQ is going to be sent to who?” Mr. Ferrell responded “Request for Qualifications is sent to engineers.” Commissioner Satterfield continued “Engineers. I thought we talked about this once before when you said something about you had received an estimated cost of \$200,000 from somewhere and you had talked about engineers and it was going to cost us somewhere around \$100,000 to get an engineered drawing of that thing.” Mr. Howard responded “What the Board voted to do was to hire an engineer to design the system.” Commissioner Satterfield stated “Well we have an existing system there. I don’t quite understand why it is so complicated Mr. Chairman, if we were building a new building I could see this but we have an existing system down there.” Chairman Hall responded “Hopefully we are not going to put a similar system in. That system is about twenty, thirty or forty years old.” Commissioner Satterfield continued “We replaced the one in the library but of course I know that building is not as complicated as the courthouse but I don’t know. Maybe it won’t be a hundred grand. That just seems like to me a waste of money.”

#### Vehicle Use Policy Meeting Date

Mr. Howard stated “The Board wanted to set up a meeting to go over the Vehicle Use Policy separate from a regular Board meeting we want to try to set that date for that.” Chairman Hall responded “Okay everyone needs to look at their calendars.”

#### CLOSED SESSION

Commissioner Lucas moved, seconded by Commissioner Jefferies to discuss a potential economic development project (NCGS 143-318.11(a)(4)). The motion carried unanimously.

#### REGULAR SESSION

Commissioner Jefferies moved, seconded by Commissioner Satterfield to resume regular session. The motion carried unanimously.

#### ANNOUNCEMENTS AND UPCOMING EVENTS

- A. Meeting with Town of Yanceyville & Town of Milton – Tentative Date of October 30, 2012 @ 6:00 p.m.

Commissioner Lucas announced that Representative Bert Jones would be holding a ‘Meet and Greet’ at the Historic Courthouse on Friday, October 19<sup>th</sup> from 5:00 – 6:30 pm.

Commissioner Williamson announced that the Cyber Security Committee would be holding its first meeting on Wednesday, October 17<sup>th</sup> at 12:30 p.m. at the Historic Courthouse.

Mr. Howard reminded the Board about the meeting on October 30<sup>th</sup> with the Town of Yanceyville and the Town of Milton.



ADJOURNMENT

At 8:47 p.m. Commissioner Jefferies moved, seconded by Commissioner Williamson to adjourn.  
The motion carried unanimously.

---

Paula P. Seamster  
Clerk to the Board

---

Nathaniel Hall  
Chairman

\*\*\*\*\*